UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte LAURENT CHAMBARD and TERENCE GARNER

Application No. 09/846,483

MAILED

FEB 2 7 2004

PAT. & T.M. OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES

ORDER RETURNING UNDOCKETED APPEAL

This application was electronically received at the Board of Patent Appeals and Interferences on January 15, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith electronically returned to the examiner. The matters requiring attention prior to docketing are identified below.

37 CFR § 1.192(c)(9) and § 1206(9) of the Manual of Patent Examining Procedure (MPEP)(7th Ed., Rev. 1, Feb. 2003) state that the brief shall contain "[a]n appendix containing a copy of the claimed involved in the appeal." The appendix is deficient in that it does not contain a copy of claim 3.

Accordingly, it is

ORDERED that the application is electronically returned to the Examiner:

- 1. to notify appellants to file a <u>complete</u> appendix to the Appeal Brief filed March 14, 2003, or for the examiner to issue a supplemental Examiner's Answer which includes a copy of claim 3; and
 - 2. for such further action as may be appropriate.

BOARD OF PATENT APPEALS AND INTERFERENCES

By:

DALE SHAW

Program and Resource Administrator

(703) 308-9797

CC:

Infineum USA L.P.
Law Department
1900 East Linden Avenue
P.O. Box 710

Linden, NJ 07036-0710

ds/psb/lc RA040245